

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

No. 3:05CR400-FDW

UNITED STATES OF AMERICA,  
Plaintiff,

v.

(12) MICHAEL ROBERT KEARNS,  
Defendant.

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**ORDER DIRECTING CLERK TO  
HOLD DISTRIBUTION OF RESTITUTION PAYMENTS IN  
ABEYANCE AND DIRECTING CLERK TO RAISE DISBURSEMENT THRESHOLD**

A Motion has been brought before this Court for an Order Directing Clerk to Hold Distribution of Restitution Payments in Abeyance and Directing Clerk to Raise Disbursement Threshold. Subsequent to the filing of the Motion, the Government filed motions to amend restitution in this case and related cases. Then, the Government filed notices of withdrawal of motions to amend restitution. All such pleadings suggest that the Government is engaged in reviewing complex restitution calculations in this and related cases and that the Government will soon notify the Court on the record of any revised restitution calculations. Having considered the Motion for an Order Directing Clerk to Hold Distribution of Restitution Payments in Abeyance and Directing Clerk to Raise Disbursement Threshold and having reviewed the record, this Court finds that disbursement of restitution payments should be held in abeyance pending further order of this Court and that, for purposes of this case and those cases identified in the Second Supplement to the Presentence Report against Defendant Kearns, the Clerk's Office shall hold and accumulate restitution payments, without distribution, until the amount accumulated is


such that the minimum distribution to any restitution victim will be not less than \$100.00.

It is therefore ORDERED, ADJUDGED, AND DECREED that:

1. The Clerk of Court shall hold disbursement of restitution in abeyance pending further order of this Court; and
2. When the Clerk of Court begins disbursing restitution payments in this case and in the related cases identified in the Second Supplement to the Presentence Report, the Clerk shall apply the \$100 threshold set forth above; and
3. The United States shall serve a copy of this Order upon the Financial Deputy Clerk.

SO ORDERED.

Signed: August 11, 2010

  
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Frank D. Whitney  
United States District Judge

